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7 Attorneys for CENTEX HOMES

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 CENTEX HOMES, a Nevada general
 11 partnership,

12 Plaintiff,

13 v.

14 FINANCIAL PACIFIC INSURANCE
 15 COMPANY, a California corporation;
 EVEREST NATIONAL INSURANCE
 16 COMPANY, a Delaware corporation; ST.
 PAUL FIRE AND MARINE INSURANCE
 17 COMPANY, a Connecticut corporation;
 ARCH SPECIALTY INSURANCE
 18 COMPANY, a Nebraska corporation;
 INTERSTATE FIRE & CASUALTY
 19 COMPANY, an Illinois corporation;
 LEXINGTON INSURANCE COMPANY, a
 20 Delaware corporation; NAVIGATORS
 SPECIALTY INSURANCE COMPANY, a
 21 New York corporation; FEDERAL
 INSURANCE COMPANY, an Indiana
 22 corporation; FIRST MERCURY
 INSURANCE COMPANY, an Illinois
 23 corporation; FIRST SPECIALTY
 INSURANCE CORPORATION, a Missouri
 24 corporation; and AXIS SURPLUS
 INSURANCE COMPANY, an Illinois
 25 corporation,

26 Defendants.

12 Case No.: 2:19-cv-01284-JCM-VCF

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY
 DEADLINES**

(First Request)

1 Plaintiff Centex Homes (“Centex”) and Defendants Financial Pacific Insurance Company
 2 (“Financial Pacific”), Everest National Insurance Company (“Everest”), St. Paul Fire & Marine
 3 Insurance Company (“St. Paul”), Arch Specialty Insurance Company (“Arch”), Interstate Fire &
 4 Casualty Company (“Interstate”), Lexington Insurance Company (“Lexington”), Navigators
 5 Specialty Insurance Company (“Navigators”), First Mercury Insurance Company (“First
 6 Mercury”), First Specialty Insurance Corporation (“First Specialty”), and Axis Surplus Insurance
 7 Company (“Axis”, and together with Financial Pacific, Everest, St. Paul, Arch, Interstate,
 8 Lexington, Navigators, First Mercury, and First Specialty, the “Defendants”),¹ by and through
 9 their respective counsel of record, hereby stipulate to extend certain deadlines within the
 10 Scheduling Order entered by this Court on December 26, 2019 by sixty (60) days pursuant to LR
 11 26-4. (ECF No. 57). This is the first stipulation to extend discovery deadlines.

12 Centex and Defendants (together, the “Parties”) require additional time for discovery
 13 because they have made significant progress towards settlement since their mediation on April 30,
 14 2020. The Parties want to continue to try to resolve the case informally without incurring expert
 15 costs. Centex has settled with Financial Pacific, Arch, First Specialty, and Federal and has had
 16 meaningful settlement negotiations with the remaining defendants. The Parties’ expert reports are
 17 due on October 16, 2020; however, the Parties do not want to expend resources that could be used
 18 for settlement on preparing expert reports.

19 Good cause exists for the requested extension. The Parties have been diligent in
 20 performing discovery; however, the Parties seek an extension to avoid expending the significant
 21 costs associated with expert reports. This Stipulation is submitted more than twenty-one (21) days
 22 before the expiration of the first deadline that Parties stipulate to continue: The expert disclosure
 23 deadline, which is currently October 16, 2020.

24 **1. Discovery That Has Been Completed**

25 The Parties have completed the following discovery:

- 26 • Arch made its initial disclosures on December 23, 2019;

27
 28 ¹ Federal Insurance Company has been dismissed from this action. (ECF No. 79).

- 1 • St. Paul served requests for production on Centex on December 26, 2019;
- 2 • Everest, Lexington, and Navigators made their initial disclosures on January 13, 2020;
- 3 • Centex and Financial Pacific made their initial disclosures on January 14, 2020;
- 4 • Centex responded to St. Paul's requests for production on January 20, 2020;
- 5 • Interstate served requests for production and interrogatories on Centex on March 6,
- 6 2020;
- 7 • Centex served requests for admission, requests for production, and interrogatories on
- 8 Everest and on St. Paul on April 2, 2020;
- 9 • Centex served requests for admission, requests for production, and interrogatories on
- 10 First Mercury and on Interstate on April 6, 2020;
- 11 • Centex served requests for admission, requests for production, and interrogatories on
- 12 Navigators on April 7, 2020;
- 13 • Centex supplemented its initial disclosures on April 22, 2020 and April 23, 2020;
- 14 • First Specialty served its first set of requests for production and interrogatories on
- 15 Centex date May 5, 2020;
- 16 • Everest served requests for production on Lexington on May 5, 2020;
- 17 • Navigators responded to Centex's requests for admission, requests for production, and
- 18 interrogatories on May 7, 2020;
- 19 • Centex served requests for admission, requests for production, and interrogatories on
- 20 Financial Pacific, on Lexington and on First Specialty on May 8, 2020;
- 21 • Everest served requests for production on Navigators on May 12, 2020;
- 22 • Financial Pacific responded to Centex's requests for admission, requests for
- 23 production, and interrogatories on June 5, 2020;
- 24 • First Mercury responded to Centex's requests for admission, requests for production,
- 25 and interrogatories on June 10, 2020;
- 26 • Everest responded to Centex's requests for admission, requests for production, and
- 27 interrogatories on June 12, 2020;
- 28 • Navigators responded to Everest's requests for production on June 15, 2020;

- 1 • Everest served requests for admission, requests for production, and interrogatories on
2 Centex on June 29, 2020;
- 3 • Everest served requests for production and interrogatories on Axis on June 30, 2020;
- 4 • Lexington responded to Everest's requests for production on July 8, 2020;
- 5 • First Specialty responded to Centex's requests for admission, requests for production,
6 and interrogatories on July 10, 2020;
- 7 • Centex served requests for admission, requests for production, and interrogatories on
8 Axis on July 13, 2020;
- 9 • Centex responded to First Specialty's first set of requests for production and
10 interrogatories on July 20, 2020;
- 11 • First Specialty served its first set of requests for admissions and second set of
12 interrogatories on Centex on August 3, 2020;
- 13 • Centex responded to Interstate's requests for production and interrogatories on August
14 5, 2020;
- 15 • Centex responded to Everest's requests for admission, requests for production, and
16 interrogatories on August 12, 2020;
- 17 • Interstate responded to Centex's requests for admission, requests for production, and
18 interrogatories on August 17, 2020;
- 19 • Axis made its initial disclosures on September 1, 2020; and

20 **2. Discovery That Remains to be Completed**

21 If the case is not resolved, the Parties must complete the following discovery:

- 22 • The Parties will disclose expert witnesses and produce expert reports and possibly
23 rebuttal reports to any expert report produced by other Parties;
- 24 • Defendants will take the depositions of Rule 30(b)(6) witnesses, other percipient
25 witnesses, and the expert witnesses of Centex and each other;
- 26 • The Parties will respond to the outstanding written discovery requests and issue any
27 appropriate further written discovery;
- 28 • Centex will take the depositions of the Rule 30(b)(6) witnesses for all Defendants;

- 1 • Centex will take the depositions of any and all claim adjusters identified by any of the
 2 Defendants; and
 3 • Centex will take the depositions of experts disclosed by the Defendants.

4 **3. Reasons Why Remaining Discovery Was Not Completed**

5 Discovery has not been completed because the Parties have been attempting to settle the
 6 case. The Parties participated in a mediation on April 30, 2020, and made substantial progress
 7 towards resolving the case by continuing their work with the mediator and communicating
 8 directly. Centex has settled with four defendants (Financial Pacific, Arch, First Specialty, and
 9 Federal) and continues to have meaningful negotiations with the remaining Defendants. The
 10 Parties' time, attention, and resources would be better spent focusing on settlement rather than
 11 incurring additional costs that may delay resolution.

12 **4. Proposed Schedule for Completing All Remaining Discovery**

13 The Parties hereby stipulate to the following schedule for completing all remaining
 14 discovery:

15 **Discovery Cut-Off Date.**

16 The amended discovery cut-off date is **February 15, 2021**.

17 **Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).**

18 Disclosures identifying experts and final expert reports shall be made by **December 17,**
 19 **2020.** This is 60 days before the discovery cut-off date. Rebuttal expert disclosures shall be made
 20 by **January 18, 2021**, which is the next business day after 30 days from the initial disclosure of
 21 experts.

22 **Dispositive Motions.**

23 The parties shall have until **March 17, 2021** to file dispositive motions, which is 30 days
 24 after the close of discovery.

25 **Joint Pretrial Order.**

26 The Joint Pretrial Order shall be filed no later than **April 16, 2021**, which is thirty (30)
 27 days after the date set for the filing of dispositive motions. In the event dispositive motions are
 28 filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after

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1 decision on the dispositive motions or by further order of the Court.

<p>Dated: September 25, 2020</p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u> Scott S. Thomas, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Ste. 220 Las Vegas, NV 89118 Telephone: (702) 851-0300</p> <p>Attorneys for Plaintiff CENTEX HOMES</p>	<p>Dated: September 25, 2020</p> <p>MORALES, FIERRO & REEVES</p> <p>By: <u>/s/ William C. Reeves</u> William C. Reeves, Esq. 600 S. Tonopah Drive, Ste. 300 Las Vegas, NV 89106 Telephone: (702) 699-7822</p> <p>Attorney for Defendant ST. PAUL FIRE & MARINE INSURANCE COMPANY</p>
<p>Dated: September 25, 2020</p> <p>YARON & ASSOCIATES</p> <p>By: <u>/s/ George Yaron</u> George Yaron, Esq. 1300 Clay Street, Ste. 800 Oakland, CA 94612 Telephone: (415) 658-2929</p> <p>Attorney for Defendant FINANCIAL PACIFIC INSURANCE COMPANY</p>	<p>Dated: September 25, 2020</p> <p>CARMAN COONEY FORBUSH PLLC</p> <p>By: <u>/s/ Benjamin Carman</u> Benjamin Carman, Esq. 4045 Spencer Street, Ste. A47 Las Vegas, NV 89119 Telephone: (702) 421-0111</p> <p>Attorney for Defendant INTERSTATE FIRE & CASUALTY COMPANY</p>
<p>Dated: September 25, 2020</p> <p>SELMAN BREITMAN LLP</p> <p>By: <u>/s/ David Astengo</u> David Astengo, Esq. 33 New Montgomery, Sixth Floor San Francisco, CA 94105-4537 Telephone: (415) 979-0400</p> <p>Attorney for Defendant EVEREST NATIONAL INSURANCE COMPANY</p>	<p>Dated: September 25, 2020</p> <p>GRAD LAW FIRM</p> <p>By: <u>/s/ Laleaque Grad</u> Laleaque Grad, Esq. 9988 Hibert Street, Suite 202 San Diego, California 92131 Telephone: (858) 271-8830</p> <p>Attorney for Defendant FIRST SPECIALTY INSURANCE CORPORATION</p>

23 (Signatures continued on next page)

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4 By: <u>/s/ John Meno</u> 5 Randolph P. Sinnott, Esq. John Meno, Esq. 550 S. Hope Street, Ste. 2350 6 Los Angeles, CA 90071-2618 Telephone: (213) 996-4200	4 By: <u>/s/ Andrew McCloskey</u> 5 Andrew McCloskey, Esq. 12671 High Bluff Drive, Ste. 350 San Diego, CA 92130 Telephone: (619) 237-3095
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9 Dated: September 25, 2020	9 Dated: September 25, 2020
10 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER	10 COZEN O'CONNOR
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16 (Signatures continued on next page)

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Dated: September 25, 2020
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Attorney for Defendant LEXINGTON
INSURANCE COMPANY

ORDER

IT IS SO ORDERED.

DATED: 9-25-2020



UNITED STATES MAGISTRATE JUDGE

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